

REMARKS

Claims 2 to 5 are in the application wherein claim 2 is allowed and claims 3 to 5 stand rejected. Claims 3 and 4 are rejected under 35 U.S.C. §102(b) as anticipated by Tanabe, and several rejections of the claims are made under 35 U.S.C. §103(a), with claim 5 being rejected as unpatentable over Tanabe in view of Uitz; claim 3 being rejected as unpatentable over Luburic in view of Karpisek; claim 4 being rejected as unpatentable over Luburic and Karpisek further in view of Umiker; claim 5 being rejected as unpatentable over Luburic, Karpisek and Umiker further in view of Uitz; claims 3 and 4 being rejected as unpatentable over Umiker in view of Karpisek; and claim 5 being rejected as unpatentable over Karpisek and Umiker further in view of Uitz.

By this Amendment claim 3 is hereby amended in order to better define Applicant's invention in a manner which clearly distinguishes the invention over the cited prior art. In brief, claim 3, as amended, particularly defines the structural configuration of the relevant portion of the engagement frame section 308 of the side wall 300 and of that region of the bottom portion 100 with which it cooperates in order to provide a structure of improved stability when the side walls of the container are moved to an erect position. Specifically, claim 3 recites the existence of engagement projections 308f extending perpendicularly from the engagement frame sections 308 of the concerned walls 300, and of cooperating through-holes 112a disposed in fitting sections 112 formed in upstanding surfaces of the walls 102 of the bottom portion 100.

As best explained in the specification in the paragraph bridging pages 27 and 28, when the side wall 300 is rotatively moved to an erect position relative to side wall 200, the engagement projection 308f formed on each engagement projection 308 is inserted into the through-hole 112a

in the fitting section 112 formed in the respective walls 102 of the bottom portion. Consequently, any movement of the short side wall 300 relative to the long side wall 200 is restricted to prevent the position of the engagement frame section 308 of the short side wall 300 from moving relative to the plate section 201 of the long side wall 200, thereby enabling smooth and reliable engagement between the engagement frame section 308 of the short side wall 300 and the engagement frame section 207 of the long side wall 200.

Such cooperative structural features of the concerned side walls and bottom portion is lacking in folding containers of the prior art whereby such containers are prevented from providing an unobstructed erection of the side walls and stable mounting thereof. It is submitted that, in none of the references cited in the Office Action is there a showing of side walls of a folding container having engagement projections, like those identified at 308f in the present application, which extend perpendicularly from an engagement frame section (308) and being configured to fit in corresponding through-holes (112a) in cooperating fitting sections (112) of the container bottom portion (100). For example, in Tanabe (JP4-44948) projection 30, which extends parallel to wall portion 3, not perpendicular thereto, is received in a recess 31, and not a through an opening in the container bottom portion 1 as required by the claims in the application. In Luburic, as shown in Figures 9 and 10, leaf members 56 in the side wall 54 are received in recesses in the bottom portion and pins 64 are installed in grooves 66 of the leafs 56 and openings 70 in the bottom portion to effect a hinged connection between the wall member and the bottom portion.

The Umiker patent discloses a complicated arrangement wherein, in order to obtain a one-piece construction, which is clearly different from the organization of claim 3, a side wall 4 is hingedly connected at 12 to an intermediate element 11 that is, in turn, hingedly connected at 13 to the container bottom portion 1. A projection 14 formed on the intermediate portion 11 is adapted for insertion into an opening 15 in the bottom 1 when the intermediate element is pivoted with respect to the bottom.

Finally, the patent to Karpisek discloses a foldable container construction wherein articulated upper and lower parts, 6 and 7 respectively, of a container side wall are positioned by means of a pin 12 and hole 15 contained respectively in frame elements 13 and 14 of the container wall.

The Uitz patent shows no more than card presser pieces 53.

Accordingly, it is respectfully submitted that claims 3 and 4 in the application, particularly as now amended, clearly distinguish over the references relied upon in the rejections of the claims as presented in the outstanding Office Action. Claims 3 to 5 are accordingly submitted as being patentable and their allowance along with claim 2 is respectfully requested.

If, for any reason, it is believed that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

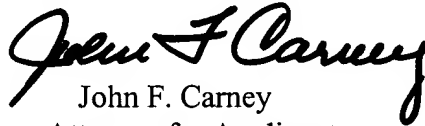
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

U.S. Patent Application Serial No. 09/635,693

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



John F. Carney
Attorney for Applicant
Reg. No. 20,276

JFC/cmp
Atty. Docket No. 000971
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made

H:\FLOATERS\JFC\00\000971\amendment due 061103

IN THE CLAIMS:

Claims 3, 4 and 5 were amended as follows:

3. (Twice Amended) A folding container comprising side walls disposed in a fashion surrounding a bottom portion of the folding container and which can be folded so as to overlap the bottom portion, the side walls each having engagement frame sections formed thereon for engaging the adjacent side walls so that, when stood up perpendicularly with respect to the bottom portion, the side walls will not fall down inward, the bottom portion has locking blocks formed thereon operative to support the bottom portion of a stacked folded folding container, the side walls each having recesses formed therein and each containing an open underside into which a cooperating locking block of an assembled folding container [can be] is received, and the engagement frame sections of side walls being operative to mutually engage the cooperative surfaces of adjacent side walls and to lockingly connect [engage] the adjacent side wall with respect to the bottom portion when the [walls are] wall is stood up, wherein engagement projections [formed on] extending perpendicularly from the engagement frame sections of opposed side walls are configured to fit in corresponding through-holes in cooperating fitting sections formed in upstanding surfaces in the bottom portion when the opposed side walls are stood up perpendicularly with respect to the bottom portion.

4. (Amended) A folding container according to any of Claim [1 to] 2 or Claim 3, characterized in that when the side walls are stood up perpendicularly to the bottom portion, a bottom surface of each side wall partly comes in surface contact with a top surface of the bottom portion.

5. (Amended) A folding container according to any one of the Claim [1] 2 to Claim 4, characterized in that card presser pieces each constituting a card holder are integrated with the side wall via a thin connection section.